

# UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

11 July 08  
 UNITED STATES OF AMERICA,

Plaintiff,

v.

MAGDALENO-Zamora, Victor

Defendant,

) Magistrate Docket **FILED**

) Case No.

~~2008 JUL 11 PM 2:14~~

CLERK US DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

) COMPLAINT FOR VIOLATION OF

) Title 8 USC, Section 1326 DEPUTY *JD*

08 JUL 21 13

) Deported Alien Found in the United States

) (Felony)

The undersigned complainant, being duly sworn, states:

On or about July 7, 2008, within the Southern District of California, Defendant Victor MAGDALENO-Zamora, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*Michael Haynes*

Special Agent Michael Haynes

U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11<sup>th</sup> DAY OF JULY 2008.

*William McCurine, Jr.*

Hon. William McCurine, Jr.

U.S. Magistrate Judge

## **STATEMENT OF FACTS**

Victor MAGDALENO-Zamora came to the author's attention on or about June 6, 2008, upon being informed by a law enforcement source that MAGDALENO had likely returned to the United States after deportation and may have resumed his residency in Chula Vista, California. The author conducted an inquiry to determine the accuracy of this information.

A review of MAGDALENO's alien file revealed a form I-213 (Record of Deportable/Inadmissible Alien) that identifies MAGDALENO as a citizen of Mexico born in Tijuana, Baja California, Mexico. Also reviewed were an immigration judge's order of deportation dated May 25, 1990, and a Warrant of Deportation (I-205), with MAGDALENO's photograph and fingerprint upon it, documenting his physical removal from the United States to Mexico also on May 25, 1990. Automated records were consistent with the documents reviewed from MAGDALENO's alien file.

On and between June 6, 2008, and July 9, 2008, the author was communication with Chula Vista Police Detective Gino Grippo, who claimed that several of his colleagues had recently encountered MAGDALENO in Chula Vista, California. Detective Grippo provided the author a facial photograph of MAGDALENO which the author had compared to photographs of MAGDALENO contained in his alien file. The person known to Detective Grippo as Victor MAGDALENO appears to be the same person deported from the United States to Mexico and whose photographs are contained in the aforementioned alien file.

On July 7, 2008, Chula Vista Police Officer Brandi Winslow responded to an inquiry made by the author regarding her having recently encountered MAGDALENO. Officer Winslow stated that she too had seen the photograph of MAGDALENO provided by Detective Grippo. She communicated to the author that she had seen MAGDALENO in June of 2008, in the vicinity of E Street and Bonita Glen Drive within the city of Chula Vista, California.

A review of records maintained by the U.S. Department of Homeland Security yields no indication that MAGDALENO has applied for or received permission to reapply for admission to the United States after deportation.

*Michael Haynes*  
*McCurney*